

A STUDY ON FREEDOM OF PRESS IN INDIA: WITH REFERENCE TO ARTICLE 19**Author:** Happy Parashar and Rohit Biswal**INTRODUCTION**

A free press is essential for a voting-based system to function properly. A free press has also been described as the lifeblood of a voting-based system. One cannot exist without the other. Our current experience since independence, particularly over the last decade, also suggests that a cautious and free press is needed to check corruption and treason, at least to the extent that popular sentiment can be stimulated as a result of scrutiny and commentary.

The press serves as an effective remedy for any abuse of power by government officials, as well as a means of holding elected officials accountable to the people for whom they are elected. Today, a state's accreditations are judged by the degree of flexibility the press appreciates in that state. At this historic moment, as we enter the sixth decade of our opportunity, it is vital we remember the importance of freedom of the press, which is considered the fourth pillar of majority rule.

The presence of the mass society, where inter-national correspondence can take place using mediums such as print and broadcasting and not specifically gaining both specialized field and Indian, budgetary, the importance of the press is significantly more vital. The Indian press has a long history dating back to the times of the British administration in the country. The British government enacted legislation to control the press, similar to the Indian Press Act 1910, Indian Press Act 1931-32, etc. During World War II (1939-1945), the civil servant exercised extensive powers under the Safeguarding Act of India and authorized the supervision of the press. Meanwhile, the illegal distribution of all news identifying with the congress is announced. In the post-sacred period, there is an adjustment of point of view.

Article 19(1)(a) of the Indian constitution states that "every citizen shall have the right" to "freedom of speech and expression". Unlike the US constitution, the Indian constitution does not explicitly guarantee freedom of the press. However, it is now widely accepted that the words "speech and articulation" in Article 19(1)(a) also include the possibility of printing.

Freedom of the press implies freedom from impediments by experts, which would affect the content and performance of newspapers. (From Edward Evans) Section 19(1)(a) of the constitution is subject to specific limitations described in section 19(2) of the constitution. The purpose of this research is to learn about freedom of the press in India and to examine the current state of the press in India and its achievements. Materials and Procedures: Unlike doctrinal research, which is conducted using facts and data already collected from libraries, archives, and other databases, empirical research is conducted by collecting or cross-checking information through a first-hand study of the universe.

RESEARCH METHODOLOGY

Empirical research is also known as data-driven research, and its conclusions can be verified through observation and experimentation. Empirical research is carried out by investigating a social phenomenon using so-called sociological methods. Empirical research is defined as research that seeks to discover and validate

general rules that help us understand why humans behave the way they do. Sociological methods such as observation, interview, questionnaire, and survey are used to investigate human behaviour.

The method which is used in this research is based on doctrinal research.

HYPOTHESIS:

Alternative: Press is free to do whatever seems right to it.

Null: Press is not free to do whatever seems.

FREEDOM OF PRESS IN INDIA

Patanjali Shastri observed in *Romesh Thapar v. Madras State* that "the right to speak freely and to press is established within any voting-based association, because without political freedom of speech there is no state-funded education, so fundamental to the proper functioning of procedures is conceivable known governmental issues". For this reason, the section and circulation of the English-language newspaper "Cross Road", printed and distributed in Bombay, was restricted by the Madras legislature, which was considered a violation of the right to free expression and articulation, as "the production being of little esteem without freedom of movement". In the case of "*Indian Express Newspapers v. Association of India* (1985) 2 S.C.R. 287 it has been argued that the press plays an important role in the majority government apparatus.:

1. Unlimited access to all data sources.
2. Freedom of distribution,
3. Opportunities

There have been numerous instances where the governing body has suppressed freedom of the press. *Sakal Cards vs. Association of Indian Daily Newspapers* 1962 AIR 305, 1962 SCR (3) 842 (Cost and Page Layout), 1960, which stipulated the number of pages and size a newspaper could distribute at cost, was considered a violation of freedom of the press and not a reasonable limitation under section 19 (2). Furthermore, in, *Bennett Coleman Company v. Union Of India* 1973 AIR 106, 1973 SCR (2) 757

the court overturned the newsprint control order, which concerned the highest number of pages. . The court rejected the legislator's request to help small newspapers. In India there are restrictions on freedom of the press. The adaptability of the press is very close to speech and articulation. In a majority government, freedom of the press is extremely important because it (the press) acts as a watchdog for all three organs of a vote-based system: the legislative, official and legal organs. Regardless, printing flexibility is not inherent in nature. It is subject to the specific limitations pursuant to art. 19, paragraph 2, of the Constitution. The following are the grounds for detention referred to in Article 19(2):

- 1) The sovereignty and integrity of India
- 2) State security
- 3) Good relations with foreign countries
- 4) Maintain public order
- 5) Morality or decency

6) Contempt of Court

7) The grounds of "public order" and friendly relations with foreign states were added by the constitution (First Amendment) ACT, 1951.

"While the constitution (16th Amendment Act) of 1963 added the foundation of 'sovereignty and integrity of India'.

HISTORY OF FREEDOM OF PRESS IN INDIA

The battle with the expectation of laudatory speech in India dates back to the 18th century. The historical context of press freedom in India is inextricably linked with the historical context of patriotism. The patriotic push for a free India was met with the suppression of the right to speak and express oneself freely through a series of decrees aimed at stifling the possibility of a united outrage against the oppression of borders.

The English government found it important to inform abusive institutions from time to time to kill the power of the print media, indicating that the press played an important role in creating political knowledge. The Book and Press Registration Act of 1867. The oldest exceptionally coordinated order against the press, the Book and Press Registration Act was passed in 1867.

The question was how to increase government control over press freedom. It was an administrative act which gave the government the authority to manage printing presses and conscription newspapers and to protect duplicate books and other printed editions in India. Official Secrets Act of 1923. The official insider knowledge law of 1923, which was removed to maintain state security against the breach of mysterious data attacks, etc., is a general demonstration that has a greater impact in the press. The Indian Press Control (Crisis) Act 1931 compelled the press to provide security at the request of the official.

Demonstration (as amended by the Criminal Law Amendment Act 1932) enabled a common government to operate a printing press to store securities which would be forfeited if the press distributed any number facilitating any of the evil manifestations listed in S. 4 of the demonstration, for example, by provoking the contempt or ridicule of the legislator or by provoking antagonism towards the administration, influencing feelings of contempt and ill will among various groups. Press (Scary Matter) Act 1951.

The Press Prelude (Frightful Subject Act, (1951) appeared to be innocuous because it appeared to be "to protect against the press and distribution of misconduct and other offensive subject matter." The changes were as follows: while the demonstration The 1931 demonstration was a statue permanent, the 1951 demonstration was temporary and lasted two years, before security could be asked of a printing press or turned over to the government, the new demonstration granted a lawful request by a session judge, and the individual against anyone who protested been done could request that the matter be resolved with the guidance of the jury and had the privilege of offering the session judge's request to the higher court.

The Press Boards Act 1965. Following the British example, a Press Board was set up under the Press Boards Act 1965 in 1996, which was empowered to carry forward the suggestion of the press establishment. The outcry that led to the establishment of the chamber was intended to preserve the ability of the press to keep up and improve newspaper policies in India. It was to create an accepted set of rules for showing works that were not legally guilty but were objectionable.

CURRENT SCENARIO OF PRESS AND ITS ACHIEVEMENTS

As mentioned above, the press is considered one of the pillars of a voting-based system, serving as a watchdog for the three majority governing bodies. Residents value the freedom to speak and appear freely (even to the

press), but there are numerous instances where the press faces difficulties. There have been numerous instances where columnists have been incapacitated and even attacked. Regardless of these issues, printing has come a long way in recent years. Manu Sharma, the son of a Haryana police officer, killed Jessica Lal on April 29, 1999 because she refused to serve him alcohol. At the restaurant where he works. Due to the need for confirmation, the case was closed and all the defendants were released from prison; however, the case was revived after media and public outcry, resulting in Sharma's conviction.

Santhosh Kumar, the son of an IPS officer, attacked and killed his partner, Priyadarshini Mattoo, a law student, in 1996 after she rejected her proposal. After a lengthy trial, Priyadarshini's weak and mature father was convicted in October 2006. The Delhi High Court rebuked the lower courts and the specialists under investigation for dismissing the accused. The media also played an important role in this situation.

Similarly, in the case of Nitish Katara, the media has played an important role. In the Aarushi Talwar murder case (2008), the media had a significant impact by emphasizing the escape clauses of the situation, forcing the police to take action. Aarushi's father is the prime suspect in the case. Ruchika Girhotra, a 14-year-old tennis player, was attacked by then Haryana police IG SPSRathore in Panchkula in 1990. After three years, Ruchika committed suicide, which her partner and witness in the Aradhana case attributes to Ruchika's provocation and his family from powerful people. Rathore is released after nineteen years with six months' imprisonment and a Rs 1000 fine, allegedly due to his seniority and delayed trial. This caused a widespread commotion and the media played a major role in the situation, with police decorations awarded to s.p.s. Rathore is stripped. S.p.s Rathore was also charged with aiding and abetting suicide under Section 306 of the Indian Penal Code.

In 2005, AajTak completed the task of Duryodhana, who revealed that 11 Lok Sabha MPs tolerated the exchange for consulting the Lok Sabha. Subsequently, a review board was formed, headed by Senior Congressman Pawan Kumar Bansal. All MPs were found guilty and expelled from the Lok Sabha. The press must be held accountable. Despite the fact that the press has played an important role in public welfare, it can sometimes be dismissive. For example, the electronic media promoted AbhiAsh's marriage to the point of ignoring other critical news reports.

When Prof. Sabharwal was assassinated by ABVP activists, several news channels and journalists were available and had the confirmation of the murder, but the media acted unreliably and the police called it a "simple situation". . When Mumbai was threatened on 26/11, the media went rogue by live streaming the 60-hour Black Tournament task by the security forces to fight off the storming of the Taj Mahal castle inn and Nariman's house . Sometimes news channels cover news like "Bollywood gossip" and page 3 etc. Which reduced them to a minor "fun channel". There are numerous critical issues that the media should cover, but don't.

In April 2009, the pastor of the association's house, Chidambaram, was addressing the media in a public interview when a columnist glanced at the cleric regarding dissent from the claim of a congressional pioneer accused of promoting the anti-Sikh riots in 1984. Jarnal Singh, the author, was a correspondent for Dainik Jagran, a local newspaper. He later apologized to the cleric of the association's house for his protest against him. This was one of the most heinous acts that demonstrated the heinous side of the press.

FREEDOM OF PRESS IN INDIA

If 2017 was a bad year for press freedom in India, 2018 isn't looking much better. Beginning in 2017, India was ranked 136 on the global press flexibility list, down three positions from the previous year. According to the Indian reporter for the advisory group to ensure columnists, "if there was ever a most noticeably awful year for squeeze opportunity in India, 2017 would be it." Consumers of Indian news noticed an obvious shift,

or more precisely, the blunting of the famous pen as it (frequently) capitulated to the sword. It is not always the case that Indian news coverage as a calling has not had to weather storms. The standard reaction to any metaphor about this being the "breaking point" for Indian media would be a quick recap of announcing during the crisis. To contrast, there was no TV news channel apart from the state-controlled Doordarshan during the period when substantive majority rule government was truly suspended.

FREEDOM OF PRESS IN INDIA

The fit and we are provided with a medium that contains most of the shock but none of the criticality. Tuning into any of the standard Indian channels during prime time has become a listening and mental exercise of perseverance and resilience. To the average viewer, this would give the impression that the Indian media is thriving and the soul of the news coverage is in good shape.

Take away most of the hype and ads and hashtags, and what we're left with is a deeply broken pillar of people's rule that is under attack throughout its critical wastelands. The Hoot released its "India Freedom Report - Media Flexibility and Opportunity of Articulation in 2017" on Jan. 19, and the findings are shocking for a country that prides itself on having the largest majority rule system in the world. The land count in India today is 11 murdered writers, 46 attacks and 27 instances of police activity.

Perhaps most shocking was the brutal assassination of outspoken journalist and government critic Gauri Lankesh on September 5, 2016, who figured out how to quickly awaken India's notorious white-collar, urban, tottering class. However, just two months later, the death of writer Sudip Datta Bhowmik at a security office in Tripura failed to generate such an uproar and was a sad indication of what has become normal business for columnists across the country. While some columnists have given their lives defending their right to speak and report, others continue to bear the brunt of the basic details, whether as outright brutality by state and non-state performers, or as threats to their lives.

What this has meant for the calling is that writers face increasing risk to their lives in terms of heralding and condemning intense performance artists both in and out of state. By cutting basic ads at the source, Indians are denied a mirror through which they can see some of their most egregious trends. With the demise of grassroots reflexivity, the way is cleared for a fundamentally flawed, but chauvinistic and overzealous media to become the standard and, as a result, refrain from asking the tough questions that cost people their lives. It has become a prime venue for initiating prosecutions against columnists and media organizations, starving them and making sure they comply. The common defamation lawsuit filed against investigative columnist Josy Joseph in 2016 was followed by several lawsuits over criminal criticisms.

In 2017, Cables provided investigative news coverage. If the start of 2018 is any indication, the criminal evidence filed against Tribune Rachna Khaira for her version of the Aadhaar violation points to another year of terrorizing the press by legal means with substances that appear to be exempt from the law. which are valid for all the others. Finally, and most importantly, Facebook, which has now become one of the largest sources of news in the world (albeit by implication), has improved its ranking framework for news feed posts to limit the reach of posts from retailers and instead of supportive posts from loved ones.

The reasoning behind the move was that Facebook needed to change its current culture of unoriginal and detached use of its news feeds to one that always appeals to the customer on an individual level. What this means for news organizations anyway is that, in an era of rapid media corporatization, investigative free media houses have to contend not only with the constant confirmation bias in customers, but also with the inevitable scope limitations that will follow. While the vast majority of the world's largest media organizations have holed up behind paywalls and the remaining big houses have the money to promote their publications,

independent investigative outlets appear to have been shut out, competing for preferences and unimaginative commentary. pages of pictures and as hungry "substance outlets".

The last point for the grassroots media looks very bleak at the start of 2018, as it faces print in its top three columns. With columnists weakened, accounts checked and overruns limited, the struggle to keep the fire of dispute and petitions burning becomes ever more difficult, and when the word desperately needs a grassroots mirror, the socio-political condition appears recklessly determined to bow against it.

FREEDOM OF PRESS: CONSTITUTIONAL PERSPECTIVE

It is up to me to decide whether we should have an administration without daily papers or a legislature without daily papers. I shouldn't wait another second to lean toward the letter." The preface to the Indian constitution revolves around ensuring freedom of thought, expression, and conviction for all Indians. The media's rights are determined by article 19(1)(a) of the Indian constitution, i.e., freedom of discourse and articulation. It is critical. The Indian constitution, from which the media determines its rights assurances to each resident of India, does not specifically mention press flexibility. Article 19(1) reads: 19(1) All nationals should have the right(a) to the right to free expression and articulation.

The exemptions to the privilege guaranteed by article 19(1)(a) are contained in article 19(2), which made nothing in sub-proviso (an) of condition (1) might influence the task of any current law, or keep the state from making any law, in so far as law imposed reasonable limitations on the activity of the privilege granted by the said sub-provision in light of a legitimate concern for India's power and respectability, the security of the state, and agreeableness. The media derives its rights from the privilege of free expression and articulation available to residents. Along these lines, the media has the same rights as anyone else to compose, distribute, flow, or communicate.

COMPARISON WITH THE AMERICAN CONSTITUTION

Article 19(1)(a) has its underlying basis in the principal amendment to the United States of America Constitution. The principal change reads: Congress may make no law concerning a foundation of religion, or prohibit the free exercise thereof, or limit the right of free speech, or of the press, or the right of the general population to peacefully gather and request the legislature a review of complaints. Unlike the first revision of the American constitution, the Indian constitution does not make specific or separate provisions for freedom of the press. Furthermore, while the limitation of the privilege to freedom of speech and articulation is explicitly stated in Article 19(2), this is not the case with primary correction.

The US Supreme Court has examined some restrictions on freedom of the press which, in essence, are not the same as Article 19(2). However, legally and socially, freedom of the press in America is far more powerful than its counterpart in India. The question of whether to include a separate law for the press, distinct from the traditional national law, in the Indian constitution has been widely debated by members of the constituent assembly. The constituent assembly ruled that such an agreement was unnecessary. Dr. B.R. Ambedkar, chairman of the constituent assembly's board of trustees, argued that the press is just another way for an individual or a nation to express itself. The press has no special rights which cannot be granted or exercised by a citizen in an individual capacity.

The proof reader of a press or the boss are all national, and when writing in the newspapers they are only exercising their privilege of articulation and, in my view, no extraordinary specification matters of the flexibility of the press in any way. While no special arrangement has been made to protect press rights, the courts have repeatedly held that press rights are included in the certification of the right to speak freely and are articulated under section 19(1)(a) of the constitution. Indeed, the progressive rulings of the Supreme Court

of India nullified the laws limiting freedom of the press and echoed the slant communicated in the primary alter. Extents Thappar versus State of Madras, one of the first cases decided by the Supreme Court, involved a challenge to a request issued by the State of Madras under Section 9(1-An) of the Madras Upkeep of Open Request Act, 1949, which prohibited the passage and development of the agenda, by roundabout routes, printed and distributed by the lawyer.

The court overturned Article 9(1-A), holding that the right to speak freely and articulate was fundamental and that only a direct threat to the institutions of the state or a risk to its demise could justify a curtailment of the right to speak freely and articulate. The insulted provision, which authorized the discomfort of confinement for the broad reason of ensuring open well-being and open request, went beyond the scope of the reasonable limitation permitted by article 19, paragraph 2, and was declared illegitimate. The meaning of freedom of expression, articulation and freedom of the press.

As stated in Maneka Gandhi v. Association of India 1978 SCR (2) 621, the right to speak freely and articulate is a fundamental part of freedom. The founding fathers of the Indian constitution placed great emphasis that the freedom to speak freely and to behave should be one of the most important rights of a person. Accordingly, they have included the right to freedom of expression and articulation in Article 19(1)(a), which is a component of the fundamental rights section incorporated into the Indian constitution. Article 19(1)(a) grants six flexibility, with the right to speak freely and articulate being the first of the six opportunities included in the aforementioned article of the constitution.

Conveying what is required is a characteristic sense of every person, and it would be wrong to say that if an individual is denied the right to speak freely and articulate, that individual is not an individual. Speech and articulation are not only the freedom of the individual, but also one of the basic needs of the person. Individuals are produced as a direct result of speech and articulation and are capable of communicating various feelings and feelings. Print adaptability is one of the most critical offices of conveying one's speech and articulation. As a result, the flexibility of the press performs extremely important elements of the general public. Press Privileges Before we get into the complicated issues of flexibility. The wider horizon of the wordpress. In a broader sense, the word print includes any written word printed on the printing press, such as newspapers, journals, magazines, periodicals, leaflets, pamphlets, books, leaflets, records, or other literature. Promoting the term press includes bureaus, head offices, press and trade unions within its scope.

The newspaper is an essential component of the term press. The terms "newspaper" and "print" are sometimes used interchangeably. The newspaper, considered an essential component of the press, is at the origin of the conflict between freedom of the press and state repression. Any printed periodical work is called a "daily". Includes the following components:

1. Recent developments
2. Ask for opinions, comments or questions about the latest news.
3. explanations of reality or understanding of reality
4. Perceptions or assumptions based on articles from various groups of people
5. Developments
6. Report and transmit data
7. Create and trim the general assumption
8. Provide education and is considered a source of edification.

It is a source of emotion. It is considered a commercial and distribution medium. Because the newspaper fulfills these essential functions, it is seen as part of the life of the general public. Because the newspaper creates and shapes popular sentiment, it is seen as a powerful tool in the hands of the manager or distributor. As a result, newspapers make up the majority of the press. Because the ability to articulate includes the ability to multiply one's own claim to seeing and that of others. It also includes communicating those views to others.

SUGGESTIONS

1. Codification of the legislative jurisdictions: A complementary measure will be to insist on the codification of the legislative jurisdictions, with the provision that in the event of an alleged violation of the legislative jurisdiction, the legislator should only be empowered to present a complaint, with the decision if judges the contempt and, in this case, the penalty to be imposed is sent to the court. The idea that the legislator should be both prosecutor and judge may have had historical justification in England, but there is no reason to accept such a fundamentally unfair approach in our context.
2. The main objective is to grow while remaining free. What should never be overlooked when considering the press in the Indian context is that only a free press can help develop a citizen body well-informed about current events, as well as the problems facing the country and the solutions available to address them. . Only such a press can ensure the survival of a fledgling democracy like India, as well as its development in a way that ensures social justice and serves the interests of ordinary people.
3. Printing needs to improve. The failures of the Indian press must be tolerated. There is no question that most newspapers treat private affairs and those who control it with kid gloves. This is due in part to the ownership of many newspapers, as well as the philosophies of those appointed to senior journalistic posts. It is clear that editors and journalists do not have adequate freedom to collect and disseminate facts and offer commentary because they are under pressure from the capitalist owners. Consequently, the pressure from the capitalist owners must be reduced.
4. Positive support for independent newspapers: At the same time, positive steps must be taken to ensure that independent newspapers can survive and prosper. They should be assisted through general institutions designed to foster the growth of independent entrepreneurs, including small ones.
5. The State must stop being the main threat. This resistance is necessary because world experience, as well as our experience since independence, indicates that the state remains the source of the greatest potential threat to press freedom.

CONCLUSION

Analyze the current situation, current problems and the evolution of press freedom. It is concluded that although the press is considered the watchdog of democracy. Unfortunately, there is little respect for the truth in a country that is, ironically, the largest democracy in the world. In keeping with its statement that freedom of expression is "one of the essential foundations of a democratic society," the court clearly favored freedom of the press. Finally, it should be noted that they coexist with freedom of speech and expression.

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